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                                                                         HOUSE FILE 250
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                                                     AN ACT
       4 RELATING TO THE CRIMINAL PENALTIES FOR AN ASSAULT ON MEMBERS OF
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              CERTAIN OCCUPATIONS.
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          BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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               Section 1. Section 708.3A, subsections 1 through 4, Code
   1 10 2003, are amended to read as follows:
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               1. A person who commits an assault, as defined in section
   1 12 708.1, against a peace officer, jailer, correctional staff,
  1 13 member or employee of the board of parole, health care
1 14 provider, employee of the department of human services, or
1 15 fire fighter, whether paid or volunteer, with the knowledge
   1 16 that the person against whom the assault is committed is a
   1 17 peace officer, jailer, correctional staff, member or employee
1 18 of the board of parole, health care provider, employee of the
1 19 department of human services, or fire fighter and with the
     20 intent to inflict a serious injury upon the peace officer, 21 jailer, correctional staff, member or employee of the board of
          parole, health care provider, employee of the department of
     23 human services, or fire fighter, is guilty of a class "D"
     24 felony.
               2. A person who commits an assault, as defined in section
   1 26 708.1, against a peace officer, jailer, correctional staff, 1 27 member or employee of the board of parole, health care 1 28 provider, employee of the department of human services, or
   1 29 fire fighter, whether paid or volunteer, who knows that the
   1 30 person against whom the assault is committed is a peace
  1 30 person against whom the assault is committed is a peace
1 31 officer, jailer, correctional staff, member or employee of the
1 32 board of parole, health care provider, employee of the
1 33 department of human services, or fire fighter and who uses or
1 34 displays a dangerous weapon in connection with the assault, is
1 35 guilty of a class "D" felony.
               3. A person who commits an assault, as defined in section
       2 708.1, against a peace officer, jailer, correctional staff, 3 member or employee of the board of parole, health care
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       4 provider, employee of the department of human services, or
       5 fire fighter, whether paid or volunteer, who knows that the
       6 person against whom the assault is committed is a peace
       7 officer, jailer, correctional staff, member or employee of the
  2 8 board of parole, health care provider, employee of the
2 9 department of human services, or fire fighter, and who causes
2 10 bodily injury or mental illness, is guilty of an aggravated
   2 11 misdemeanor.
   2 12
               4. Any other assault, as defined in section 708.1,
   2 13 committed against a peace officer, jailer, correctional staff, 2 14 member or employee of the board of parole, health care
   2 15 provider, employee of the department of human services, or
   2 16 fire fighter, whether paid or volunteer, by a person who knows 2 17 that the person against whom the assault is committed is a
   2 18 peace officer, jailer, correctional staff, <u>member or employee</u> 2 19 of the board of parole, health care provider, <u>employee of the</u> 2 20 department of human <u>services</u>, or fire fighter, is a serious
   2 21 misdemeanor.
              Sec. 2. Section 708.3A, Code 2003, is amended by adding
   2 22
   2 23 the following new subsection:
             NEW SUBSECTION. 8. As used in this section, "employee of
     25 the department of human services" means a person who is an
     26 employee of an institution controlled by the director of human 27 services that is listed in section 218.1, or who is an
     28 employee of the civil commitment unit for sex offenders
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      29 operated by the department of human services. A person who
      30 commits an assault under this section against an employee of
     31 the department of human services at a department of human
      32 services' institution or unit is presumed to know that the
      33 person against whom the assault is committed is an employee of 34 the department of human services.
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3	8	JEFFREY M. LAMBERTI
3	9	President of the Senate
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3	11	I hereby certify that this bill originated in the House and
3	12	is known as House File 250, Eightieth General Assembly.
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3	16	MARGARET THOMSON
3	17	Chief Clerk of the House
		Approved, 2004
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3	22	THOMAS J. VILSACK
3	23	Governor